

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. The presently pending claims are 1 and 3-19.

In the Office Action, dated December 15, 2003, the Examiner rejected claims 1-3, 5-15, and 17-19 as being unpatentable under 35 U.S.C. 103 over Olaniyan (U.S. Patent No. 5, 852, 610) and Oba (U.S. Patent No. Des. 356,079), Bottum (U.S. Patent No. 6,014,569), and Jonstromer (U.S. Patent No. 6,142,369). The Examiner's rejections are respectfully traversed.

As stated in previous responses, the claimed invention relates to a telecommunication method, as recited in claim 1, and a receiving apparatus for enabling the telecommunication method, as recited in claim 14. The receiving apparatus is an **integrated** telecommunications mobile device that comprises an identification card, a radio receiver and/or a television receiver, a reproducing means, as well as mobile radio components through which the telecommunications mobile device is operative in a mobile radio network. According to claims 1 and 14, the telecommunications mobile device is capable of performing all of the following: (1) receiving, via a broadcast channel, digital data as program-accompanying data transmitted with a media program, (2) reproducing both the media program as well as the digital data on the telecommunications mobile device, (3) preparing a message based on (a) user-entered command, (b) information from the digital data, and (c) user identification information from the identification card, and (4) transmitting the prepared message through a radio network.

Olaniyan teaches a **broadcast listening** system, in which one or more pickup units (receivers) intercept broadcast programs, convert intercepted information into signals transmissible via a telephone communication network, and then relay the converted broadcast programs to users who request the programs through telephone connections (see abstract). The motivation of Olaniyan's invention is to allow a user to receive desired broadcast information via a conventional telephone connection. Olaniyan discloses a system configuration comprising a central station assembly (element 18 of Fig. 1), a plurality of receivers or pickup units (element 15-50 in Fig. 1), a customer (20 in Fig. 1) connected to the central station assembly via a telephone communication link (12 in Fig. 1), and one or more broadcast stations (42-48 in Fig. 1). The receiver disclosed by Olaniyan serves as a **relay device** that intercepts broadcast information and relays such information, up on demand, to a requesting customer via a telephone communication network.

The Examiner asserted that Olaniyan teaches a telecommunication method. The Applicant respectfully indicates that Olaniyan merely teaches a remote broadcast **listening** system as opposed to a telecommunication method (see Title and abstract). As the Examiner correctly pointed out, Olaniyan does not teach a telecommunication method as claimed in claim 1 and 14. **First**, the receiver (or pickup unit) that Olaniyan discloses does not include an identification card through which an associated customer can be identified, as claimed in claims 1 and 14 (Fig. 3). **Second**, the receiver according to Olaniyan does not receive digital data as program accompanying data received with media programs. The Examiner's assertion that Olaniyan teaches "Program data accompanying the broadcast (column 3, L45-52 and column 3, L57-60)" is mistaken. These citations are in the Background section of the disclosure, where Olaniyan merely describes how nice it would be if this feature could

be realized. **Third**, the receiver disclosed by Olaniyan does not display received information (neither broadcast programs nor broadcast information), as claimed in claims 1 and 14. In fact, the receiver in Olaniyan is merely an intermediary relay device rather than a receiver used by an end customer (see Fig. 3). **Fourth**, the receiver disclosed in Olaniyan does not prepare a message that comprises at least one data field from received program accompanying data and an identification of the user determined from the identification card included in the receiver, as claimed in claims 1 and 14. **Fifth**, a receiver in Olaniyan is separate from an end customer (a customer 20 and a pickup unit 15 communicate via telephone communication links 12 and controlled by the central station assembly 18 in Fig. 1). This is so set up to enable a user to receive broadcast programs from different sources (e.g., different broadcast stations in Fig. 1), Olaniyan teaches a configuration in which a customer can be connected to one of a plurality of pickup units (receivers) deployed at different locations based on what broadcast programs the customer desires to receive (Fig. 1). Each dynamic connection between a customer and a specific pickup unit (receiver) is made via the central station assembly according to the customer's request (Column 8, lines 14-25). It is this separation that makes it possible to make connections dynamic and enables a customer to receive, via a telephone line, a desired broadcast program from a desired broadcast station.

Therefore, Olaniyan does not teach a system in which a receiver serves as an end-user's communication device that includes an identification card, displays both received broadcast media program and digital data received with the media program as program-accompanying data, prepares a message based on user entered command that includes both a portion of the program-accompanying data and the user's identification from the identification card, as claimed in claims 1 and 14.

Oba discloses a design of a portable LCD color television receiver. There is no function described by Oba intended to be associated with the design described. There is no indication that Oba's design will permit the inclusion of an identification card within the device or other features such as displaying program-accompanying data and preparing a message having a portion of the received program-accompanying data and identification information from an identification card in the device included, as claimed in claims 1 and 14.

Bottum teaches a method and apparatus to transmit/receive audio information in an asynchronous fashion (as packets). The receiver described in Bottum can be used by an end user for requesting and receiving desired audio data. It is intended for facilitating **on-demand** services instead of operating in a broadcast scenario (Column 5, lines 24-29, lines 55-58). Therefore, menu information, i.e., meta data related to audio programs, is received prior to selecting and receiving desired audio data (Column 5, lines 40-45, Column 6, lines 4-8). Jonstromer merely teaches a mobile phone that uses smart/SIM card to identify a user.

According to MPEP 706.02(j), to establish a prima facie case of obviousness, certain criteria must be met. First criterion is that there must be some suggestion or motivation to modify the reference or to combine reference teachings. Given what Olaniyan aims to solve is to enable a user to receive a broadcast program through telephone communication means via remote listening pickup units, Olaniyan would fail to suggest a feature of a pickup unit (receiver) to display received information because an information relay device (Olaniyan's receiver) has no need or reason to do so. In addition, since Olaniyan's receivers are merely relay devices (not for end users), Olaniyan would fail to suggest inclusion of an identification card in a pickup unit. Furthermore, it is the central station assembly in Olaniyan's system that

interfaces with a customer (not the pickup units), there is no suggestion of a pickup unit to prepare a message that includes a portion of the received digital data and a user identification from an identification card attached to the receiver. There is clearly no motivation to combine Olaniyan's teaching with Oba, Bottum, or Jonstromer. That is, the Examiner fails to establish a prima facie case of obviousness.

Therefore, Applicant respectfully requests that the rejection of claims 1 and 14 under 35 U.S.C. §103(a) be withdrawn.

Claims 3 and 5-13 depend from claim 1. Consequently, claims 3 and 5 -13 are patentable at least for the reasons stated above with respect to claim 1 and for the additional features recited therein. Therefore, Applicant respectfully requests that the rejection of claims 3 and 5 -13 under §103(a) be withdrawn.

Claims 15 and 17-19 depend from claim 14. Consequently, claims 15 and 17-19 are patentable at least for the reasons stated above with respect to claim 14 and for the additional features recited therein. Therefore, Applicant respectfully requests that the rejection of claims 15 and 17-19 under §103(a) be withdrawn.

The Examiner also rejected claims 4 and 16 under 35 U.S.C. 103(a) as being unpatentable over Olaniyan, Bottum, Oba, Jonstromer and further in view of Alperovich et al. (U.S. Patent No. 6,138,002). The Examiner's rejection is respectfully traversed.

Alperovich et al. teaches a method of determining current time period by executing a Java script received from air interface on a SIM card. Again, the pickup unit in Olaniyan is merely a relay device that intercepts broadcast programs, converts into a form transmissible via a telephone network, and transmits the converted signal to a user via a telephone network. The intended purpose of Olaniyan's teaching is to allow a user to receive broadcast programs via a telephone network. Given such,

there can be no motivation for Olaniyan to suggest to combine with Alperovich's teaching to allow a pickup unit to receive a Java script through air interface to perform a predetermined function. As discussed above, Olaniyan fails to suggest a combination with Oba, Bottum, or Jonstromer. Even if Olaniyan does suggest to combine with Alperovich et al., the combination of Olaniyan and Alperovich et al. clearly does not perform all the functions claimed in claim 1 and 14.

Claim 4 depends from claim 1. Consequently, claim 4 is patentable at least for the reasons stated above with respect to claim 1 and for the additional features recited therein. Therefore, Applicant respectfully requests that the rejection of claim 4 under §103(a) be withdrawn.

Claim 16 depends from claim 14. Consequently, claim 16 is patentable at least for the reasons stated above with respect to claim 14 and for the additional features recited therein. Therefore, Applicant respectfully requests that the rejection of claim 16 under §103(a) be withdrawn.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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